

operated video games previously sold by plaintiff or now being sold by plaintiff or plaintiff's activities with respect to those games constitute contributory infringement of U.S. Patent No. 3,728,480.

(b) Neither of defendants charge that any coin operated video games previously sold by plaintiff or now being sold by plaintiff or plaintiff's activities with respect to those games constitute contributory infringement of U.S. Patent No. 3,778,058.

84.(a) Neither of defendants charge that any coin operated video games previously sold by plaintiff or now being sold by plaintiff or plaintiff's customers' activities with respect to those games constitute infringement of U.S. Patent No. 3,728,480.

(b) Neither of defendants charge that any coin operated video games previously sold by plaintiff or now being sold by plaintiff or plaintiff's customers' activities with respect to those games constitute infringement of U.S. Patent No. 3,778,058.

85.(a) Thomas A. Briody

(b) Defendants object to paragraph (b) of interrogatory 85 as requesting information which relates to the reasons for which legal decisions were made and, thus, as requesting information which is protected by the attorney-client privilege. However, in order to advance the resolution of this action, and without the waiver of any claim of attorney-client privilege, defendants further respond to paragraph (b) of this interrogatory as follows. Defendants elected to assert only U.S. Patents 3,659,284 and 3,659,285 against the coin operated video games then known to defendants which were manufactured and sold by plaintiff.

(c) Defendants object to paragraph (c) of interrogatory 85 for the same reasons as stated in response to paragraph (b) of that interrogatory. However, in order to advance the resolution of this action, and without the waiver of any claim of attorney-client privilege, defendants further respond to paragraph (c) of this interrogatory as follows. Defendants considered each of the four U.S. Patents 3,659,284, 3,659,284, 3,728,480, and 3,778,058, the file histories of those patents, and their knowledge of the coin operated video games then known to defendants which were manufactured and sold by plaintiff.

86. (a) Yes

(b) Yes

(c) Yes

(d) Yes

87. (a) and (d) U.S. Patent No. 2,784,247

U.K. Patent No. 633,424

Publication "Oki Denki Giho" Vol. 34, No. 1,
pp. 80-82

Publication "Funk und Ton" 1954, No. 4,
pp. 179-186

Dutch Patent Specification No. 69,04775

Swedish Patent Application No. 3520/69

(b) U.S. Patent Nos. 3,271,032; 3,207,842

U.K. Patent No. 633,424


Swedish Patent Applications Nos. 3580/69,
6931/70

Dutch Patent Application Nos. 69,04775;
70,07591

(c) U.S. Patents Nos. 2,559,388; 2,978,540;
3,122,607; 3,271,032; 2,455,992
Australian Patents Nos. 401,518; 406,549;
409,631; 219,941
Canadian Patent No. 519,290
British Patent No. 871,238
French Patents Nos. 1,358,474; 1,466,114
Belgian Patent No. 704,686
Swiss Patent No. 512,864
Publication "Electronics", Dec. 11, 1959,
Vol. 32, No. 5, pp. 28-29
Publication "Funk und Ton" 1954, Nos. 4,
pp. 179-186
German Patent Nos. 1,089,800; 1,211,250
Publication "Radio-Mentor", 1964, No. 12
pp. 938-939
Publication "Electronics" Jan. 1954
pp. 141-143
Publication "Radio Mentor" 1957, pp. 582-592
Publication "Oki Denki Giho", Vol. 34, No. 1,
pp. 80-82
Japan Publication "Proceedings - Fall Joint
Computer Conference" 1965 pp. 257-265
(pp. 847-855)
Publication "Grundig Technische Information",
April 1964, p. 752

May 29, 1975

Chicago, Illinois


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Subscribed and sworn to before me this 29th day of May,
1975, in Chicago, Illinois.

John V. Cella
Notary Public

My Commission expires: 5/1/77

The foregoing objections and contentions are asserted or
stated on behalf of defendants by:

John Thomas Cella

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Defendants' Responses to Plaintiff Midway's Second Set of Interrogatories to Defendants (Nos. 82-87)" was served upon plaintiff by mailing a copy thereof to Richard A. Huettner, Esquire, Kenyon and Kenyon Reilly Carr and Chapin, 59 Maiden Lane, New York, New York 10038 and to Donald L. Welsh, Esquire, Fitch, Even, Tabin and Luedeka, 135 South LaSalle Street, Chicago, Illinois 60603 by first class mail, postage prepaid, on this 29th day of May, 1975.

Richard A. Huettner
Attorney for Defendants